



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, December 10, 2014

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris,
Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:00 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Grif Chalfant to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.

PRESENTATIONS:

20141315

Keep Marietta Beautiful Awards

Keep Marietta Beautiful presents the Mayor's Awards for

- Most Festive House
- Most Festive Street/Subdivision
- Most Festive Business

Presented

20141293

2014 Digital Cities Survey Winners

Ronnie Barrett, IT Director, accepts award from the Center for Digital Government. On November 13, 2014 e-Republic's Center for Digital Government announced the top-ranked cities in the 2014 Digital Cities Survey. The top 10 ranked cities in each population category were honored at a special awards ceremony during the National League of Cities' annual conference in Austin on November 20th.

Presented

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:**

CONSENT AGENDA: Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Pro tem Johnny Walker briefly explained the consent agenda process. City Attorney Doug Haynie noted the following changes to the consent agenda:

-under Ordinances: Agenda item 20141205, 2136 Kingston Court, remains on the consent agenda, with an to the first stipulation that should read, "Stipulation letter from Garvis L. Sams, Jr. to Russell J. Roth, AICP, dated December 9, 2014."

-under Ordinances: Agenda item 20141208, 1541 Rosewood Circle, remains on the consent agenda, with an amendment to delete the second stipulation in its entirety.

-under Ordinances: Agenda item 20141017, Amendments to the zoning ordinance regarding platting procedures, was added to the consent agenda and amended to read, "Motion to table and refer back to the Judicial/Legislative Committee"

-under Other Business: Agenda item 20141099, V2014 22 1021 Marble Mill Circle, was removed from the consent agenda.

-under Other Business: Agenda item 20141313, 350 Roswell Street, was added to the consent agenda and amended to read, "Motion to approve letter from PMG 358 Roswell Street, LLC., to the Cobb County Board of Tax Assessors dated December 10, 2014."

-under Other Business: Agenda item 20141277, BLW Actions, remains on the consent agenda and amended to read, "Motion to approve the December 8, 2014 actions and minutes of the Marietta Board of Lights and Water."

City Attorney Doug Haynie opened the public hearing for those items on the consent agenda requiring a public hearing.

Mr. Patel expressed concern regarding agenda item 20141205, 2136 Kingston Ct.

Seeing no one else wishing to speak, the public hearing was closed.

A motion was made by Council member Chalfant, seconded by Council member Fleming, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

with the following exceptions:

Council member Goldstein abstaining on agenda items 20141208, 20141220, 20141215 and 20141313.

MINUTES:

*** 20141275 Regular Meeting - November 12, 2014**

Review and approval of the November 12, 2014 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141276 Special Meeting - November 17, 2014**

Review and approval of the November 17, 2014 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

MAYOR'S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:

*** 20141278 Marietta Museum of History Appointments**

Motion to approve a recommendation by the Museum of History Board to appoint Pam Freeman and Ray Buday to the Board of Directors for a term of 3-years expiring December 31, 2017.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

ORDINANCES:

- * **20141204** **Z2014-23 Marietta Housing Authority 53, 75, 76, & 83 Beavers St; 57 Gunter St, 98, 110, & 114 Howard St; 829, 891, & 895 Washington Ave**

Z2014-23 [REZONING] MARIETTA HOUSING AUTHORITY/BROCK BUILT HOMES LLC requests rezoning for property located in Land Lot 12310, District 16, Parcels 0050, 0040, 0020, 0030, 0100, 0660, 0740, 0280, 0060, 0860, and 0310, 2nd Section, Marietta, Cobb County, Georgia and being known as 53, 75, 76, & 83 Beavers St; 57 Gunter St, 98, 110, & 114 Howard St; 829, 891, & 895 Washington Ave from RM-12 (Multi Family Residential - 12 units/acre), R-4 (Single Family Residential - 4 units/acre), OI (Office Institutional), and CRC (Community Retail Commercial) to PRD-SF (Planned Residential Development - Single Family).

This item was tabled at the December 10, 2014 City Council Meeting.

Motion to table until the January 14, 2015 City Council Meeting at the request of the applicant.

This Matter was Tabled on the Consent Agenda.

Vote: 7 – 0 – 0

Approved to Table

- * **20141205** **Z2014-24 Welcome Group of Hospitality, Inc., 2136 Kingston Court**

[Ord 7778](#)

Z2014-24 [REZONING] WELCOME GROUP OF HOSPITALITY, INC. requests rezoning for property located in Land Lot 07260, District 17, Parcel 0090, 2nd Section, Marietta, Cobb County, Georgia and being known as 2136 Kingston Court from LI (Light Industrial) to OHR (Office High Rise). Ward 7.

Motion to approve the rezoning request for 2136 Kingston Court, with the following amendment:

1. Stipulation letter from Garvis L. Sams, Jr. to Russell J. Roth, AICP, dated December 9, 2014.

2. If the property is not closed upon or developed within 12 months of rezoning, it would revert to the previous zoning category of LI.

Public hearing held during the consent agenda.

This Matter was Approved as Amended on the Consent Agenda.

Vote: 7 – 0 – 0

Approved as Amended

20141206

Z2014-25 Raymond O. Boyd 1895 Lower Roswell Rd; 53, 56, & 76 Indian Trail

Z2014-25 [REZONING] RAYMOND O. BOYD request rezoning for property located in Land Lot 12060, District 16, Parcels 0030, 0040, 0250, and 0270, 2nd Section, Marietta, Cobb County, Georgia and being known as 1895 Lower Roswell Rd; 53, 56, & 76 Indian Trail from R-20 [Single Family Residential - County] to R2 [Single Family Residential - City]. Ward 6.

City Attorney Douglas Haynie opened the public hearing. Mr. Haynie then explained the rules of order and swore in those wishing to speak.

Development Services Director Brian Binzer presented information regarding the rezoning request for property located at 1895 Lower Roswell Rd; 53, 56, & 76 Indian Trail.

The applicant, Mr Raymond Boyd, requested that the rezoning request be withdrawn at this time in order to resolve several issues related to the road within the property. Mr. Boyd explained that he first requested annexation and rezoning to same zoning that his commercial property has, but since Cobb County expressed objection, he changed his zoning request to R2, which is the same as it is currently in Cobb County (R20).

Ms. Jill Flamm, Vice President of Zoning and Variances for East Cobb Civic Association, expressed concern regarding the rezoning request and asked that the request be withdrawn with prejudice, which means that the applicant would have to wait six (6) months before applying again.

The public hearing was closed.

Discussion was held regarding the request to withdraw the rezoning request with or without prejudice. Council asked that the public hearing be reopened to allow other residents to speak.

The following residents also spoke in opposition of the rezoning request:

William Warwick and his wife who own the property on Indian Trail

Theresa A. Gernatt who lives on Worthington Drive

Robin Moody who lives on 266 Indian Trail

Jimmy Carter who lives on 180 Worthington

Pramila Duphare, resides 62 Sewell Lane

Mr. Boyd addressed the concerns of the opposition explaining that only 4 houses in the entire neighborhood would be affected by his intent to close the street, the rest of the lots are vacant properties.

The public hearing was closed.

A motion was made by Council member Kelly, seconded by Council member Goldstein, to allow withdrawal the rezoning request, with prejudice. The motion carried by the following vote:

Vote: 7 – 0 – 0**Withdrawn**

20141218**A2014-06 Raymond O. Boyd, 1895 Lower Roswell Road, 53 Indian Trail, 56 Indian Trail, 76 Indian Trail Annexation**

A2014-06 RAYMOND O. BOYD requests annexation for property located in Land Lot 12060, District 16, Parcel 0030 (1895 Lower Roswell Road); Land Lot 12060, District 16, Parcel 0040 (53 Indian Trail); Land Lot 12060, District 16, Parcel 0250 (56 Indian Trail); Land Lot 12060, District 16, Parcel 0270 (76 Indian Trail); and all associated right-of-way for each address, of the 2nd Section, Cobb County, Georgia consisting of 2.529 acres. Ward 6.

City Attorney Doug Haynie opened the public hearing.

Comments made during the rezoning request were incorporated in this matter.

The public hearing was closed.

A motion was made by Council member Kelly, seconded by Council member Goldstein, to approve the request to withdraw the annexation request, with prejudice. The motion carried by the following vote:

Vote: 7 – 0 – 0

Withdrawn

20141213**CA2014-15 Code Amendment - City of Marietta - in conjunction with the requested Annexation of property at Lower Roswell Road & Indian Trail**

CA2014-15 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 12060, District 16, Parcels 0030, 0040, 0250, and 0270, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1895 Lower Roswell Road; 53, 56, and 76 Indian Trail, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 6

City Attorney Doug Haynie opened the public hearing.

Comments made during the rezoning request were incorporated in this matter.

The public hearing was closed.

A motion was made by Council member Goldstein, seconded by Council member Fleming, to approve the request to withdraw the future land use request, with prejudice. The motion carried by the following vote:

Vote: 7 – 0 – 0

Withdrawn

* **20141207 Z2014-26 Elliott Homes, LTD 1651 Gilbert Road**

[Ord 7775](#)

Z2014-26 [REZONING] ELLIOTT HOMES, LTD. requests rezoning for property located in Land Lot 02510, District 20, Parcel 0190, 2nd Section, Marietta, Cobb County, Georgia and being known as 1651 Gilbert Road from R-20 [Single Family Residential - County] to R-2 [Single Family Residential - 2 units/acre (City)]. Ward 4.

Stipulation:

1. Stipulation letter from Garvis L. Sams, Jr. to Russell J. Roth, AICP, dated December 9, 2014.

Public hearing held during the consent agenda.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20141219 A2014-07 Elliott Homes, LTD 1651 Gilbert Road**

[Ord 7777](#)

A2014-07 ELLIOTT HOMES, LTD. requests annexation for property located in Land Lot 02510, District 20, Parcel 0910 (1651 Gilbert Road), of the 2nd Section, Cobb County, Georgia consisting of 15.14 acres. Ward 4.

Public hearing held during the consent agenda.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20141214 CA2014-16 Code Amendment - City of Marietta - in conjunction with the requested Annexation of property at 1651 Gilbert Road**

[Ord 7776](#)

CA2014-16 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 02510, District 20, Parcel 0910, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1651 Gilbert Road, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 4.

Public hearing held during the consent agenda.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20141208** **Z2014-27 Marietta Properties LLC 1541 Rosewood Circle**

Ord 7774

Z2014-27 [REZONING] MARIETTA PROPERTIES LLC requests rezoning for property located in Land Lot 12080, District 16, Parcel 0430, 2nd Section, Marietta, Cobb County, Georgia and being known as 1541 Rosewood Cir from GC [General Commercial - County] to CRC [Community Retail Commercial - City]. Ward 7.

Stipulations as amended by council:

The following stipulations are incorporated as conditions of zoning:

1. Variance to allow automobile (including motorcycle) sales and/or repair, and warehousing as uses on the property and existing building as is.
2. Variance to allow the building to rebuilt on the same footprint should it be demolished by force majeure.

Councilmember Goldstein is the owner and Manager of Marietta Properties, LLC. Council member Goldstein abstaining.

Motion to approve the rezoning request for 1541 Rosewood Circle, with the following amendment:

1. *Variance to allow automobile (including motorcycle) sales and/or repair, and warehousing as uses on the property and existing building as is.*

Public hearing held during the consent agenda.

This Matter was Approved as Amended on the Consent Agenda.

Vote: 6 – 0 – 1 **Approved as Amended**
Abstaining: Philip M. Goldstein

* **20141220** **A2014-08 Marietta Properties LLC 1541 Rosewood Circle**

Ord 7780

A2014-08 MARIETTA PROPERTIES LLC requests annexation for property located in Land Lot 12080, District 16, Parcel 0430 (1541 Rosewood Circle) and all associated right-of-way, of the 2nd Section, Cobb County, Georgia consisting of a total of 0.249 acres. Ward 7.

Councilman Goldstein is the owner and Manager of Marietta Properties, LLC. Council member Goldstein abstaining.

Public hearing held during the consent agenda.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 1 **Approved**
Abstaining: Philip M. Goldstein

* **20141215** **CA2014-17 Code Amendment - City of Marietta - in conjunction with the requested Annexation of property at 1541 Rosewood Circle**

Ord 7779

CA2014-17 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 12080, District 16, Parcel 0430, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1541 Rosewood Circle, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 7.

*Councilman Goldstein is the owner and Manager of Marietta Properties, LLC.
Council member Goldstein abstaining.*

Public hearing held during the consent agenda.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 1 Approved
Abstaining: Philip M. Goldstein

20141209 **Z2014-28 City of Marietta Lower Roswell Road, Nekoma Street, Gable Road, Harris Drive, Scott Drive and Hazelwood Drive**

Z2014-28 [REZONING] CITY OF MARIETTA requests rezoning for property located in Land Lot 12070, District 16, Parcels 0140 (1751 Lower Roswell Rd), 0150 (1749 Lower Roswell Rd), 0160 (1741 Lower Roswell Rd), 0170 (1733 Lower Roswell Rd), 0180 (1721 Lower Roswell Rd), 0190 (1713 Lower Roswell Rd), 0200 (1716 Nekoma St), 0210 (1724 Nekoma St), 0220 (1724 Nekoma St aka 1731 Nekoma St), 0230 (1740 Nekoma St), 0240 (1748 Nekoma St), 0260 (1789 Nekoma St), 0300 (1723 Nekoma St), 0320 (1715 Nekoma St), 0380 (99 Gable Rd), 0400 (89 Gable Rd), 0410 (1601 Lower Roswell Rd aka 1695 Lower Roswell Rd), 0510 (25 Harris Dr), 0560 (1694 Lower Roswell Rd aka 1698 Lower Roswell Rd), 0570 (1720 Lower Roswell Rd), 0590 (1750 Lower Roswell Rd), 0600 (41 Scott Dr), 0610 (31 Scott Dr), 0670 (42 Scott Dr), 0680 (1760 Lower Roswell Rd), 0690 (1766 Lower Roswell Rd), and 0730 (1758 Nekoma St); Land Lot 12420, District 16, Parcels 0110 (27 Harris Dr), 0120 (1689 Hazelwood Dr), 0130 (1673 Hazelwood Dr), 0180 (1670 Hazelwood Dr), 0400 (1690 Hazelwood Dr) from GC [General Commercial - County] to CRC [Community Retail Commercial - City]. Ward 7.

City Attorney Douglas Haynie opened the public hearing and called forward those wishing to speak.

Development Services Director Brian Binzer presented information regarding the rezoning request for property on Lower Roswell Road.

Mr. Hilton Dupree, representing the owner of property included in the request, explained why he does not wish to be annexed into the City.

Mr. Parks Huff, representing the owner of several properties included in the request, stated that his client also does not wish to be annexed into the City.

Discussion was held by Council regarding the properties included in the rezoning and annexation request. Concern was expressed about "redrawing the line" to omit several of the properties.

The public hearing was closed.

A motion was made by Council member Morris, seconded by Council member Fleming, to Deny the rezoning request for all property listed on Lower Roswell Road.

A substitute motion was made by Council member Goldstein, seconded by Council member Coleman, to remove the rezoning request for all property listed on Lower Roswell Road from the agenda. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved to Remove

*Mayor Tumlin vetoed the motion.
(The official veto is on file in the City Clerk's Office.)*

City Attorney Doug Haynie explained that matter was back on the agenda, which would allow any action by Council. He also mentioned it would take five (5) votes to override a veto.

A motion was made by Council member Goldstein, seconded by Council member Coleman, to override the veto. The motion failed by the following vote:

*Vote: 2 – 5 – 0 Failed
Voting Against: Stuart Fleming, Grif Chalfant, Johnny Walker, Andy Morris and Michelle Cooper Kelly*

A motion was made by Council member Fleming, seconded by Council member Morris, to Deny the rezoning request for all property listed on Lower Roswell Road. The motion carried by the following vote:

**Vote: 5 – 2 – 0 Approved to Deny
Voting Against: Anthony Coleman and Philip M. Goldstein**

20141221

A2014-09 City of Marietta Lower Roswell Road, Nekoma Street, Gable Road, Harris Drive, Scott Drive and Hazelwood Drive

A2014-09 CITY OF MARIETTA requests annexation for property located in Land Lot 12070, District 16, Parcels 0140 (1751 Lower Roswell Rd), 0150 (1749 Lower Roswell Rd), 0160 (1741 Lower Roswell Rd), 0170 (1733 Lower Roswell Rd), 0180 (1721 Lower Roswell Rd), 0190 (1713 Lower Roswell Rd), 0200 (1716 Nekoma St), 0210 (1724 Nekoma St), 0220 (1724 Nekoma St aka 1731 Nekoma

St), 0230 (1740 Nekoma St), 0240 (1748 Nekoma St), 0260 (1789 Nekoma St), 0300 (1723 Nekoma St), 0320 (1715 Nekoma St), 0380 (99 Gable Rd), 0400 (89 Gable Rd), 0410 (1601 Lower Roswell Rd aka 1695 Lower Roswell Rd), 0510 (25 Harris Dr), 0560 (1694 Lower Roswell Rd aka 1698 Lower Roswell Rd), 0570 (1720 Lower Roswell Rd), 0590 (1750 Lower Roswell Rd), 0600 (41 Scott Dr), 0610 (31 Scott Dr), 0670 (42 Scott Dr), 0680 (1760 Lower Roswell Rd), 0690 (1766 Lower Roswell Rd), and 0730 (1758 Nekoma St); Land Lot 12420, District 16, Parcels 0110 (27 Harris Dr), 0120 (1689 Hazelwood Dr), 0130 (1673 Hazelwood Dr), 0180 (1670 Hazelwood Dr), 0400 (1690 Hazelwood Dr) and including all adjacent right-of-way, of the 2nd Section, Cobb County, Georgia consisting of 11.13 acres. Ward 7.

City Attorney Doug Haynie opened the public hearing.

Comments made during the rezoning request were incorporated in this matter.

The public hearing was closed.

A motion was made by Council member Morris, seconded by Council member Fleming, to Deny the annexation request for all property listed on Lower Roswell Road. The motion carried by the following vote:

Vote: 5 – 1 – 1 Approved to Deny

Voting Against: Philip M. Goldstein

Abstaining: Anthony Coleman

20141216

CA2014-18 Code Amendment - City of Marietta - in conjunction with the requested Annexation of property at Lower Roswell Road, Nekoma Street, Gable Road, Harris Drive, Scott Drive and Hazelwood Drive

CA2014-18 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 12070, District 16, Parcels 0140 (1751 Lower Roswell Rd), 0150 (1749 Lower Roswell Rd), 0160 (1741 Lower Roswell Rd), 0170 (1733 Lower Roswell Rd), 0180 (1721 Lower Roswell Rd), 0190 (1713 Lower Roswell Rd), 0200 (1716 Nekoma St), 0210 (1724 Nekoma St), 0220 (1724 Nekoma St aka 1731 Nekoma St), 0230 (1740 Nekoma St), 0240 (1748 Nekoma St), 0260 (1789 Nekoma St), 0300 (1723 Nekoma St), 0320 (1715 Nekoma St), 0380 (99 Gable Rd), 0400 (89 Gable Rd), 0410 (1601 Lower Roswell Rd aka 1695 Lower Roswell Rd), 0510 (25 Harris Dr), 0560 (1694 Lower Roswell Rd aka 1698 Lower Roswell Rd), 0570 (1720 Lower Roswell Rd), 0590 (1750 Lower Roswell Rd), 0600 (41 Scott Dr), 0610 (31 Scott Dr), 0670 (42 Scott Dr), 0680 (1760 Lower Roswell Rd), 0690 (1766 Lower Roswell Rd), and 0730 (1758 Nekoma St); Land Lot 12420, District 16, Parcels 0110 (27 Harris Dr), 0120 (1689 Hazelwood Dr), 0130 (1673 Hazelwood Dr), 0180 (1670 Hazelwood Dr), 0400 (1690 Hazelwood Dr) as CAC (Community Activity Center). Ward 7.

City Attorney Doug Haynie opened the public hearing.

Comments made during the rezoning request were incorporated in this matter.

The public hearing was closed.

A motion was made by Council member Morris, seconded by Council member Fleming, to Deny the future land use request for all property listed on Lower Roswell Road. The motion carried by the following vote:

Vote: 5 - 2 - 0

Denied

Voting Against: Anthony Coleman and Philip M. Goldstein

* **20141210**

Z2014-30 City of Marietta 2187 and 2165 Windy Hill Rd

[Ord 7781](#)

Z2014-30 [REZONING] CITY OF MARIETTA requests rezoning for property located in Land Lot 07320, District 17, Parcels 0060 and 0040, 2nd Section, Marietta, Cobb County, Georgia and being known as 2187 and 2165 Windy Hill Rd from GC [General Commercial - County] and CRC [Community Retail Commercial - County] to CRC [Community Retail Commercial - City]. Ward 7.

Public hearing held during the consent agenda.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20141222**

A2014-11 City of Marietta 2187 and 2165 Windy Hill Rd

[Ord 7782](#)

A2014-11 CITY OF MARIETTA requests annexation for property located in Land Lot 07320, District 17, Parcels 0060 (2187 Windy Hill Rd) and 0040 (2165 Windy Hill Rd), of the 2nd Section, Cobb County, Georgia consisting of 0.89 acres. Ward 7.

Public hearing held during the consent agenda.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20141217**

CA2014-20 Code Amendment - City of Marietta - in conjunction with the requested Annexation of property at Windy Hill Road

[Ord 7773](#)

CA2014-20 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 07320, District 17, Parcels 0060

(2187 Windy Hill Rd) and 0040 (2165 Windy Hill Rd) as CAC (Community Activity Center). Ward 7.

Public hearing held during the consent agenda.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141017 Amendments to the zoning ordinance regarding platting procedures.**

Motion to authorize advertising proposed changes to the Zoning Ordinance regarding platting procedures, specifically in Section 728.04, Preliminary plat application procedures, and Section 728.07, Final plat application procedures.

Motion to table and refer back to the Judicial/Legislative Committee.

This Matter was Referred on the Consent Agenda.

Vote: 7 – 0 – 0 Referred to the Judicial/Legislative Committee

*** 20140715 Amendments to the zoning ordinance regarding parking in planned developments.**

Authorization to change the Zoning Ordinance regarding parking in planned development districts, specifically including the following: Section 708.09, PRD (SF), Planned Residential Development (single family); Section 708.14, PRD (MF), Planned Residential Development (multi-family); Section 708.20 MXD, Mixed Use Development; and Section 716.07, Parking spaces required - Table J.

Motion to table and refer back to the Judicial/Legislative Committee.

This Matter was Referred on the Consent Agenda.

Vote: 7 – 0 – 0 Referred to the Judicial/Legislative Committee

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: G. A. (Andy) Morris, Chairperson

* **20141257 Section 8**

Ord 7771

Approval of an Ordinance amending the Fiscal Year 2015 Section 8 budget to appropriate \$130,000 of administrative reserves and transfer to the Marietta Housing Fund to cover the costs associated with the closure of the housing choice voucher program.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

2. Finance/Investment: Stuart Fleming, Chairperson

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20141232 Revised Detailed Plan for Marietta Walk Amenity Area**

Motion approve the revised plans for the amenity area associated with the Detailed Plan for Marietta Walk, signed by the owner and dated December 10, 2014, in accordance with Section 708.20(J.4) of the Marietta City Code. The purpose of this revision is to:

Approve the revised plans for the amenity area for Marietta Walk presented by the new developer, Minerva USA. Architectural elevations, prepared by Roger Caldwell of Caldwell Cline Architectural Designers, and the site plan that was prepared by Baker Land Design, and dated November 13, 2014, are attached.

All other conditions of the previously approved detailed plan will remain in effect.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

* **20141254 Street Closures Requests for Marietta Square Farmer's Market**

Motion to approve street closures for the 2015 Marietta Square Farmer's Market as follows:

Saturday closure of Mill St. (from the railroad tracks to West Park Sq.):
January 10, 2015 to March 28, 2015; from 7 a.m. to 2 p.m.

Saturday closure of North Park Square:

April 4, 2015 to November 21, 2015; from 7 a.m. to 2 p.m.

Saturday closure of Mill St. (from the railroad tracks to West Park Sq.):

November 28, 2015 to December 19, 2015; from 7 a.m. to 2 p.m.

Sunday closure of Mill St. (from the railroad tracks to West Park Sq.):
April 12, 2015 to November 22, 2015; from 12 noon to 5 p.m.

Also, to grant staff the authority to move the Farmer's Market location as necessary to accommodate Council approved sidewalk and tree improvements on Mill St.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141255 Street Closure Request for Marietta Square Artist's Market**

A motion authorizing the closure of Mill St. from the railroad tracks to W. Park Square for the Marietta Square Artists Market the 2nd and 4th Saturdays of the month from April through November 2015. Also, to grant staff the authority to relocate the Artist's Market if necessary to conduct Council approved streetscape improvements to Mill Street.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

5. Personnel/Insurance: Johnny Walker, Chairperson

6. Public Safety Committee: Anthony Coleman, Chairperson

*** 20141233 Revisions to MPD Policies**

Motion approving the revisions to the following Standard Operating Procedures for the Marietta Police Department: A036 Ride Along Program, A051 Media & Public Relations (to include changes by the Public Safety Committee- see attachment #10 titled A051 R-psc), A052 Detention & Housing Detainees, C050 Crime Prevention, E010 SWAT & Tactical Medic, E014 Explosive Breaching, E020 Barricade Incidents, S043 Cyber Unit, and T050 Training.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

7. Public Works Committee: Grif Chalfant, Chairperson

*** 20141247 24 Alexander Street**

Motion to approve modification of right-of-way documents whereby the city would return certain property to the property owner by Quitclaim Deed in exchange for the city conducting certain work as described in the attached memo. As part of this

transaction, the property owner will accept the property “as is where is” six months following the completion of the installation. The Mayor and City Clerk are authorized to execute documents to carry out this motion, including a Quitclaim Deed from the city to the property owner, with all documents being subject to the final approval of the City Attorney and the Director of Public Works.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141264 Request for Flashing Speed Signs**

Motion authorizing installation of two driver feedback signs on Polk Street including reallocating one uninstalled feedback sign previously authorized for Lee’s Trace.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20141280 Driver Speed Feedback Signs**

Motion to authorize staff to purchase 20 additional Driver Speed Feedback Signs.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

OTHER BUSINESS:

*** 20141099 Z2014-22 Brian Warren 1021 Marble Mill Circle**

Z2014-22 [SPECIAL LAND USE PERMIT] BRIAN WARREN requests a Special Land Use Permit for uses (offices and truck parking) associated with hauling and storage of residential sanitation trucks for property located in Land Lot 10040, District 16, Parcel 0240, 2nd Section, Marietta, Cobb County, Georgia and being known as 1021 Marble Mill Circle, currently zoned HI (Heavy Industrial).

This item was tabled at the November 12th and December 10th 2014 City Council Meetings.

City Attorney Douglas Haynie opened the public hearing and swore in those wishing to speak.

Development Services Director Brian Binzer presented information regarding the request for a Special Land Use Permit for property located at 1021 Marble Mill Circle. Mr. Binzer also summarized the criteria used when considering a Special Land Use Permit.

The applicant, Mr. Brian Warren, Vice President of Custom Disposal Services, and on behalf of owner, Ken Dyer, who was also present, requested a Special Land Use Permit to build offices and truck parking associated with hauling and storage of residential sanitation trucks. Mr. Warren stated that they intend to park trucks behind the building, which would have a brick facade on the sides facing road. The applicant also submitted a stipulation letter to address concern raised during the last meeting.

Marshall Dye, who owns property next to the subject property, expressed concern regarding the proposed project.

Discussion was held by Council regarding requirements of the neighborhood association as it relates to facade of the proposed building.

The public hearing was closed.

A motion was made by Council member Coleman, seconded by Council member Chalfant, that this matter be Tabled. The motion carried by the following vote:

Vote: 7 – 0 – 0 Tabled

*** 20141100**

V2014 48 Marietta High School 121 Winn Street

V2014 48 [VARIANCE] MARIETTA HIGH SCHOOL requests variances for property located in Land Lot 12200, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia and being known as 121 Winn Street, currently zoned R 4 (Single Family Residential 4 units/acre). Variance to eliminate the planted border strip along Cleburne Avenue; variance to reduce the planted border strip along Polk Street, as shown on the attached plans with the submittal date of September 15, 2014. Ward 3A.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20140953**

V2014-43 Clear Channel Outdoor, Inc. 611 Webb Industrial Drive

V2014-43 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 09980, District 16, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia and being known as 611 Webb Industrial Drive, currently zoned HI (Heavy Industrial). Ward 5B.

1. Variance to reduce side setbacks for a billboard support structure from 20' to 11'
2. Variance to reduce rear setback for a billboard support structure from 40' to 23'
3. Variance to reduce the rear and side setbacks for billboard sign faces to 0'
4. Variance to locate a billboard within 1,000' of other billboards
5. Variance to locate a billboard on a substandard lot
6. Variance to reduce the minimum lot width from 150' to 21'

7. Variance to locate a billboard closer to a permanent structure than a distance that is equal to or greater than the height of the sign

Motion to table this item until the January 14, 2015 City Council Meeting as requested by applicant.

This Matter was Tabled on the Consent Agenda.

Vote: 7 – 0 – 0

Tabled

* **20140805**

V2014-31 Clear Channel Outdoor, Inc. 1200 Roswell Road

V2014-31 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request for variances for property located in Land Lot 12390, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Roswell Road, currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to reduce the minimum lot size from 20,000 sq. ft. to 4,054 sq. ft.
2. Variance to reduce the front, side, and rear setbacks.
3. Variance to allow a billboard to be located within 1,000 feet of another billboard.
4. Variance to allow a billboard to be located closer to a permanent structure than a distance that is equal to or greater than the height of the sign.
5. Variance to eliminate the requirement that a billboard must be regulated as a principal use and be required to meet all dimensional standards of the applicable zoning district (CRC).

Motion to table this item until the January 14, 2015 City Council Meeting as requested by applicant.

This Matter was Tabled on the Consent Agenda.

Vote: 7 – 0 – 0

Tabled

* **20141303**

Cherokee Street Parking Deck

Motion to authorize City Manager and Mayor to compose and present a "Letter of Request" to the Cobb County Board of Commissioners seeking reconfiguration of the County's Cherokee St parking deck to accommodate a Public Entrance through the Cherokee St. Gate rather than the current "employee only" entrance. Said request to coincide with City's current plans for Cherokee St. Improvements and all enhancements thereto for a City/County mutual enhancement. This item is requested by Mayor Tumlin.

This Matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20141313 350 Roswell Street**

Motion to engage Dana Maine of Freeman, Mathis & Gary, LP to address and clear any cloud on the title and ancillary matters as to 350 Roswell Street, Marietta, Ga. 30064 being parcel 16123301600 with PMG 358 Roswell St, LLC shown as owner pursuant to Cobb County Tax Department. Said engagement shall authorize attorney to clear title through "Quia Timet", Title 23, Chapter 3 of the Georgia Code upon recommendation and approval by City Council. This item is requested by Mayor Tumlin.

Councilman Goldstein is the owner and Manager of PMG 358 Roswell Street, LLC.

Motion to approve letter from PMG 358 Roswell Street, LLC., to the Cobb County Board of Tax Assessors dated December 10, 2014.

This Matter was Amended on the Consent Agenda.

Vote: 6 – 0 – 1 Approved as Amended
Abstaining: Philip M. Goldstein

* **20141277 BLW Actions of the November 10, 2014**

Review and approval of the November 10, 2014 actions and minutes of the Marietta Board of Lights and Water.

Motion to approve the December 8, 2014 actions and minutes of the Marietta Board of Lights and Water.

This Matter was Amended on the Consent Agenda.

Vote: 7 – 0 – 0 Approved as Amended

UNSCHEDULED APPEARANCES:

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Date Approved: January 15, 2015

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk